

THE RETIREMENT OF NREL DIRECTOR VICE ADMIRAL RICHARD TRULY

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2004*

Mr. UDALL of Colorado. Mr. Speaker, last Tuesday, Vice Admiral Richard Truly, director of DOE's National Renewable Energy Laboratory (NREL), announced that he plans to retire in early November after more than seven years as NREL's director.

Although I am not greatly surprised by this announcement, I am saddened by it. I know that a national search will soon be launched to select the Admiral's successor, and I expect that his successor will represent NREL well in future years. But Admiral Truly has so vividly marked the last five years I've spent working on renewable energy policy in the House of Representatives. It is hard to imagine NREL without him.

In a letter to staff, Admiral Truly wrote, "I honestly believe that it is at the intersection of our energy use, our environment, our economic well being and our national security that society finds the greatest engineering and scientific challenges on Earth today. Each of you at NREL are at the heart of this challenge and opportunity. What you do really, really matters to our nation and our world. I feel a deep privilege to have been a small part of your successes over these years."

This last statement exemplifies the Admiral's approach to leadership. He was always quick to credit NREL staff for their achievements and believed in the importance of teamwork. He was admired by his colleagues at NREL and, I think, inspired them to work harder and aim higher.

For the Admiral, no challenge was too great. He wasn't content to rise to the rank of vice admiral in the Navy. He was also a naval aviator, test pilot and astronaut, logging more than 7,500 hours of flight. His astronaut career included work in the Air Force's Manned Orbiting Laboratory program, and NASA's Apollo, Skylab, Apollo-Soyuz and Space Shuttle programs. He piloted the 747/Enterprise approach and landing tests in 1977. He lifted off in November 1981 as pilot aboard Columbia, the first shuttle to be reflown into space, establishing a world circular orbit altitude record. He commanded Challenger in August-September 1983, the first night launch/landing mission of the Space Shuttle program. For all these achievements, President Reagan awarded the Presidential Citizen's Medal to Admiral Truly in 1989. Admiral Truly capped off his space career by serving as NASA's eighth Administrator under President George H.W. Bush from 1989-1992.

During his seven years at NREL, Admiral Truly has raised the visibility of the laboratory to new heights. NREL is considered the premier laboratory for renewable energy research and development and a leading laboratory for energy efficiency R&D. As a world leader in the development of these technologies, NREL is involved in fifty different areas of scientific research, from solar photovoltaics and wind energy to hydrogen fuel cells and distributed energy generation.

As co-chair of the Renewable Energy and Energy Efficiency Caucus, I have worked hard

to increase funding for NREL's important research and generally to raise the profile of renewable energy and energy efficiency in Congress. It has been an uphill climb, as these programs have had to compete for funding with others. What has inspired me to keep fighting the fight has been knowing that Admiral Truly and his team are back in Colorado, pushing technological limits, dreaming up new ways for us to transition to a clean energy future. Admiral Truly may not be with NREL in the years to come, but I know he will always be there in spirit, urging us all to continue to aim for the stars.

### PAYING TRIBUTE TO BOB GEORGE

### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2004*

Mr. MCINNIS. Mr. Speaker, I rise with considerable sadness to pay tribute to the life and memory of Bob George of Aspen, Colorado. Bob recently passed away at the age of sixty-one. With the loss of Bob, Aspen loses a friend of the community. As his family mourns his passing, I believe it is appropriate to recognize the life of this exceptional man before this body of Congress and this nation today.

Bob first moved to Aspen in 1964, after attending the University of Colorado at Boulder. Soon after, he married Karin Knudson, with whom he went on to have three children. In 1967, he found work with Mason & Morse, a real estate firm, and with a good college friend, they worked hard and eventually assumed control of the company. The two partners and friends put much time and effort in transforming Mason & Morse Real Estate into the largest firm in the Aspen Valley.

As a spirited business leader, Bob achieved great success. He was the president of two professional organizations, the Aspen Board of Realtors and the Aspen Chamber Resort Association. His dedication to the community included memberships in the Aspen Elks Club, Mountain Rescue and Rotary Club. He was also president of the Aspen School Board and spent time volunteering for the Sunshine Kids and Ducks Unlimited.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Bob George. He was a natural business leader and a valuable member of his community. More importantly, Bob will always be remembered as a consummate family man. I wish to extend my deepest regrets and sympathy to Bob's family and friends during this difficult time of bereavement.

### PERSONAL EXPLANATION

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2004*

Mr. GRAVES. Mr. Speaker, on Monday, June 14, 2004, I was unavoidably detained and thus missed rollcall votes #232, #233, #234 and #235. Had I been present, I would have voted "yea" on #232, approving the renewal of import restrictions contained in the

Burmese Freedom and Democracy Act of 2003; "yea" on #233, expressing the sense of Congress with respect to the need to provide prostate cancer patients with meaningful access to information on treatment options; "yea" on #234, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies; and "yea" on #235, honoring former President George Herbert Walker Bush on the occasion of his 80th birthday.

### OCC AND THE BANK-REALTOR FIGHT

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2004*

Mr. SHERMAN. Mr. Speaker, I would like to submit for the RECORD an article recently published in the American Banker, entitled, "OCC Caught in the Middle of Bank-Realtor Fight."

[From the American Banker, June 2, 2004]

### OCC CAUGHT IN THE MIDDLE OF BANK-REALTOR FIGHT

(By Todd Davenport)

The possibility that banks will one day sell houses makes the real estate brokers' lobby shudder and has galvanized it to fight against any incursion it perceives.

For the last three years the most obvious threat has been a joint proposal by the Treasury Department and the Federal Reserve Board that would let financial holding companies and financial subsidiaries offer real estate brokerage services.

But in the past year the National Association of Realtors has targeted the Office of the Comptroller of the Currency's recent efforts to stake out its preemption authority. The trade group says the OCC's ability to insulate national banks from state laws that require real estate and mortgage licensing is also a threat.

The OCC has countered that there is little, if any, connection between preemption and real estate brokerage, but right or wrong, the trade group has become an unexpected and powerful opponent to the OCC's preemption regulations at a time when it needs all the friends it can get.

The regulations were finalized in January, but some lawmakers on Capitol Hill have threatened to take action against them.

"The Comptroller's position is that this has nothing to do with real estate brokerage, but I don't think the Comptroller has been successful in deflecting the awareness of people on the Hill that the Realtors are concerned," said Gil Schwartz, a lawyer with Schwartz & Ballen LLP in Washington.

The Realtors "have brought a lot of people focused at the local level," Mr. Schwartz said. "They have brought much more awareness of not just what can happen now but what can happen in the future."

The group says preemption is relevant, because the OCC could let banks into real estate brokerage independent of the joint Fed-Treasury proposal, which was made under the auspices of the Gramm-Leach-Bliley Act.

"Right now a national bank could apply to the OCC for real estate brokerage to be considered a permissible banking activity," said Lynn King, a regulatory representative at the trade group.

Realtors say the OCC could rely on an existing interpretation that authorizes national banks to operate as "finders." That broad power effectively allows a bank to act as the middleman in many financial transactions.

Some banking lawyers say they doubt the OCC will use that interpretation to allow real estate brokerage.

"Finder authority had been on the books for years, and that never was perceived or regarded as giving national banks authority to sell insurance as an agent or broker on an unrestricted basis," said Ken Ehrlich, a lawyer with Nutter McLennen & Fish LLP in Boston.

But real estate brokerage may be consistent with the business of banking, he said.

"National banks by virtue of the business they conduct every day are arguably fully equipped to get into the real estate brokerage business and do it well without raising any safety-and-soundness issues, significant consumer protection issues, and without a whole lot, if any state regulation," Mr. Ehrlich said.

An OCC spokesman would not discuss its plans, but in the past agency officials have said they are not contemplating the extension of real estate brokerage powers to national banks.

Realtors say they want certainty.

"Everything that they've said in testimony, everything that they've said publicly, we just want them to put in some sort of official format that we can rely on for the future of our industry," Ms. King said.

The threat is imminent, because banking companies "want to put real estate people in the bank or the operating subsidiary," she said. "They want to put them as close as they can to the loan, the mortgage transaction."

Doing so would be anticompetitive, Ms. King said. OCC preemption—which a Connecticut judge said last week extends to operating subsidiaries—would give the mortgage arms of large banks "a free pass on all these state laws and registrations and licensing," and "our members aren't going to be able to play in that field."

Banking lawyers took the opposite view.

"The Realtors' position is anticompetitive," said Melanie Fein, a lawyer at Goodwin Procter LLP in Washington. "Just like the securities industry, the insurance industry, the data processing industry, the courier industry, they all have fought against bank involvement."

The group is behaving "like Chicken Little," but "the sky is not going to fall—and if it does fall, it would be to the benefit of consumers," she said.

Realtors say they would stand down in this battle if the OCC were to write regulations keeping banks out of real estate brokerage. They also said that if the long-pending Fed-Treasury proposal disappeared, the Realtors' opposition to OCC preemption would disappear with it.

(The proposal has been on hold, because the Realtors have successfully lobbied for enactment of spending bills the last two years that have barred the Treasury from using its budget to finalize the proposal.)

"We almost view this thing as the Trojan horse at the gates," said Joseph Ventrone, the trade group's managing director of regulatory and industry relations. If the Fed and the Treasury were to drop their December 2000 proposal, "our vehemence on OCC" preemption "would not be as strong, would probably not be at all."

To some, that's evidence that the Realtors do not have a legitimate beef with the preemption rules.

The group "developed a strategy where they believe they can use the debate going on today about preemption to insulate themselves from competition from the national bank industry," said Howard Cayne, a lawyer with Arnold & Porter LLP in Washington. "But they don't have an inherent interest in preemption."

Perhaps not, but their stance on preemption has made for unusual politics.

The group is allied with state bank regulators against preemption, even though they continue to disagree about whether banks ought to have real estate brokerage powers. More than 30 states have said that banks may offer such services, but few banks have done so.

"We share some fundamental, common beliefs," including "that major changes in public policy should come from legislative bodies, and shifts in applicable state and federal law should be clearly intended by Congress," said John Ryan, an executive vice president at the Conference of State Bank Supervisors. "Our appeal is philosophical; theirs is dollars and sense," but regardless, "they are influential businessmen in their local communities, and they are influential in the political process."

Donald Lampe, a lawyer with Womble Carlyle Sandridge & Rice PLLC in Greensboro, N.C., said the emergence of the realty group on preemption "changes the dynamic" of the debate.

"That they have stood up and raised their hand over these rules is a significant event," he said. "That doesn't mean that I think they are correct, but the Realtors cannot ever be ignored in this town."

That banks and real estate agents will continue to spar seems certain.

Banks "have to continue to grow the portfolio; they need new lines of business," Ms. King said. "The best line of business right now and in the future is real estate. They already have insurance. They already have securities. Other than real estate, there's not a whole heck of a lot else out there."

#### TRIBUTE TO CAPTAIN SAMUEL G. BRYCE, USMC

#### HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2004*

Mr. HOUGHTON. Mr. Speaker, I rise today to recognize an exceptional officer of Marines, Captain Samuel G. Bryce. Captain Bryce will soon complete a highly successful two-year tour as the Marine Corps' Assistant Liaison Officer to the U.S. House of Representatives. It is truly a pleasure for me to recognize a few of his many outstanding achievements.

Captain Bryce entered our Corps as a private in January 1994 after graduating with honors from James Madison University in Harrisonburg, Virginia. After graduating Recruit Training at Parris Island, he went on to serve as an infantryman with the Marine Corps Security Force Company in Rodman, Panama where he participated in Operation Safe Haven, a humanitarian mission in support of Cuban migrants. He followed this tour with service as a Non Commissioned Officer with the illustrious Fleet Antiterrorism Security Team Company in Norfolk, Virginia. As a squad leader with F.A.S.T., then Corporal Bryce participated in Operation Fairwinds in Haiti, providing convoy and site security for U.S. supported nation-building projects. Shortly after returning from Haiti, his team was dispatched to Bahrain to establish security at U.S. Naval facilities in response to the Khobar Towers bombing. During his final months with F.A.S.T. he was promoted to Sergeant and selected for the Enlisted Commissioning Program.

In September of 1997 he attended Officer Candidate School. Upon graduation he was commissioned and then sent to the Basic Officer Course and the Infantry Officer Course. In November of 1998 he was assigned to the 1st Battalion, 5th Marine Regiment where he was given command of 3rd Platoon, Company C. In this capacity he deployed with his battalion as part of the 31st Marine Expeditionary Unit where he participated in Operation Stabilise in East Timor. Upon return he was assigned as commander of the 81 mm Mortar Platoon, which he led during a subsequent overseas tour with the 31st MEU. During his final year with the battalion, he served as the Executive Officer, and ultimately the Commanding Officer of Weapons Company.

Completing this tour in March 2002, Captain Bryce was assigned as the Marine Corps' Assistant Liaison Officer to the U.S. House of Representatives. For the past two years he has expertly represented the Marine Corps on Capitol Hill and contributed enormously to the success of the Liaison Office's mission. His skills and diligent attention to duty enabled him to successfully lead five Staff Delegations to every major Marine Corps facility in the United States, assisting Congressional staff in learning how the Marine Corps fights, trains, and lives. The reputation he earned on these evolutions was such that he was also given the task of leading several Congressional Delegations overseas, including my own to Malaysia and the first into Haiti after the new President took power.

The real strength or Captain Bryce's time on Capitol Hill was felt through his education and outreach activities. He organized monthly briefs for staff members to assist them in understanding the capabilities and program needs of the Corps, and was the driving force behind the Capitol Hill Running Club. Under his leadership the club grew to nearly 100 runners and has seen unprecedented success in preparing members for running the Marine Corps Marathon. As he leaves, there will be a large gap for the Marine Corps to fill on Capitol Hill. His initiative, leadership, and tireless efforts as the Assistant House Liaison Officer have had a lasting impact on improving the war fighting capabilities and the quality of life for Marines throughout the Marine Corps. Most importantly, he has epitomized all of those qualities that America has come to expect of her Marines—absolutely impeccable integrity, moral character and professionalism.

As he reports to his next assignment as a student at the Expeditionary Warfare School in Quantico, Virginia I want wish him, his lovely wife Stacey, and their new son Griffin continuing success. Fair winds and following seas, Marine.

#### CELEBRATING THE 50TH ANNIVERSARY OF FORT UNION NATIONAL MONUMENT

#### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 15, 2004*

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the upcoming 50th anniversary of the legislation that created Fort Union National Monument in my home state of